

Exhibit 12 September 6, 2016 Opposition to Motion
for Interim Fee Order

1 Bradford C Floyd (State Bar #136459)
2 Carlton D. Floyd (State Bar #275958)
3 FLOYD LAW FIRM
4 819 Seventh Street
5 Eureka, California 95501
6 Telephone: (707) 445-9754
7 Facsimile: (707) 445-5915

8 Attorney for Respondents

9 SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

10 The CITY OF EUREKA, a municipal
11 corporation ("the City") and the PEOPLE
12 OF THE STATE OF CALIFORNIA ("the
13 People"), by and through Jones & Mayer,
14 Special Counsel to the City of Eureka,

15 Petitioners,

16 v.

17 FLOYD SQUIRES, an individual;
18 FLOYD E. SQUIRES, an Individual;
19 FLOYD E. SQUIRES, III, an Individual;
20 BETTY J. SQUIRES, an Individual; FB
21 SQUIRES FAMILY TRUST; BETTY J'S
22 BUILDING, a California corporation; and
23 DOES ONE through SIXTY,

24 Respondents.

Case No. DR110040

**RESPONDENTS' OPPOSITION TO
PRIOR RECEIVER MARK ADAMS'
MOTION FOR INTERIM FEE
ORDER**

25 Respondents submit the following opposition to prior receiver Mark Adam's motion
26 for interim fee order.

27 **I. BACKGROUND**

28 The procedural background stated in this Court's September 13, 2013, ruling
appropriately summarizes the case up until that time.

1. On January 18, 2011, City filed a complaint alleging substandard and unsafe conditions at 26 properties owned by Squires. Among other remedies, City sought 1) an emergency appointment of a receiver for the properties and a temporary restraining order, and 2) an order to show cause regarding the issuance of a preliminary injunction and the appointment of a receiver.

RESPONDENTS' OPPOSITION TO PRIOR RECEIVER MARK ADAMS' MOTION FOR INTERIM FEE ORDER
DR110040

- 1 2. The ex parte application for emergency appointment of a receiver and
2 issuance of a temporary restraining order was denied on February 3, 2011.
- 3 3. On February 28, 2011, a hearing on the Order to Show Cause Re:
4 Appointment of a Receiver and Issuance of a Preliminary Injunction
5 commenced.
- 6 4. The Court appointed Mark Adams as provisional receiver for the 26
7 properties identified in the complaint on March 10, 2011. Mr. Adams was
8 directed to investigate alleged violations at the properties, and submit a
9 report to the Court within 30 days of appointment.
- 10 5. Squires filed a notice of appeal of the order appointing Mr. Adams on
11 March 11, 2011, and posted an undertaking in the amount of \$50,000 on
12 March 21, 2011. Enforcement of the order appointing the provisional
13 receiver was stayed pending appeal. The Court of Appeal dismissed the
14 appeal of the March 10, 2011 order as moot on February 7, 2012.
- 15 6. The hearing on the Order to Show Cause Re: Appointment of a Receiver
16 and Issuance of Preliminary Injunction concluded on June 13, 2011. The
17 Court issued a ruling granting City's application for appointment of an
18 interim receiver and for issuance of a preliminary injunction as to six
19 properties owned by Squires on September 27, 2011. Counsel for City
20 was directed to submit an order consistent with the ruling.
- 21 7. On October 12, 2011, Squires filed an objection to the proposed order
22 submitted by the City.
- 23 8. On October 19, 2011, Floyd Squires III, Betty J. Squires and additional
24 plaintiffs filed a complaint for trespass and intentional invasion of privacy
25 against Mark Adams, Andrew Adams and California Receivership Group,
26 LLC, case number DR 110803. The complaint concerns alleged conduct
27 occurring on October 5 and October 6, 2011 on one or more of the six
28 properties owned by Squires.
9. On October 20, 2011, a hearing was conducted on Squire's objections to
 the proposed order submitted by the City. The Court entered an Order
 Appointing Receiver and Granting Preliminary Injunction on October 24,
 2011.
10. On October 25, 2011, Squires filed a Notice of Appeal o the October 24,
 2011 order. Squires was ordered to post an undertaking pending the
 appeal, an undertaking in the amount of \$50,000 was posted and the
 October 24, 2011 Order was stayed pending appeal on or about November
 2, 2011.
11. The trial on City's complaint seeking issuance of a permanent injunction,
 declaratory relief, civil penalties and the appointment of a receiver because
 of alleged nuisances and other substandard conditions at the 26 properties
 owned by Squires commenced on October 9, 2012.
12. An Interim Ruling entered July 2, 2013. The Court found as follows:

- a. The evidence did not support a finding that the subject properties were presently maintained in such a manner as to come within the provisions of Health and Safety Code sections 17980.6 and 17980.7;
- b. The evidence presented concerning the current condition of the subject properties did not support a finding that any of the subject properties constituted a public nuisance as defined by Civil Code sections 3479 and 3480 or Eureka Municipal Code sections 150.162 or 150.163; and
- c. The evidence supported a finding that the violations of the Applicable codes and local ordinances at the subject properties constituted violations of Business and Professions Code section 17200 et. seq.

The Court further ordered that a receiver be appointed pursuant to Business and Professions Code section 17203 to 1) inspect the 26 properties in conjunction with City Building Department officials and 2) report to the Court concerning the current condition of the properties. City and Squires were directed to submit nominations for the receiver.

Respondents have attached the September 13, 2013, ruling as **Exhibit A**.

Since the September 13, 2013 ruling, the unrelated trespassing case went to jury trial. However, beyond the March 10, 2011 and the October 24, 2011 orders, Adams was never appointed again as receiver in this case. Adams has already been awarded receivership fees for his limited times as receiver and everything Adams claims beyond that occurred when he was not acting as a court appointed receiver. Therefore, Adams' request for additional monies should be denied.

II. ARGUMENT

A. The Court Should Not Approve Any Payment of Attorney's Fees and/or Costs Incurred in Defending the Separate Trespass Action

1. The trespass case was filed against Adams in his capacity as an individual and not as receiver

On October 5 and 6, 2011¹, Mr. Adams wrongfully entered onto Respondents' properties and posted the properties, made contact with the tenants and entered into several of the units by claiming the Court had appointed him receiver when it had not.

¹The Order appointing Mr. Adams as the receiver was entered by the Court on October 24, 2011.

1 Upon learning that Mr. Adams was trespassing onto Respondents' properties and
2 asserting control over those properties without a court order or court authorization, Bradford
3 C Floyd, attorney for Respondents, contacted Mr. Adams and informed him that his entering
4 onto these properties constituted a trespass and demanded Mr. Adams cease and desist the
5 above described conduct. Mr. Adams informed Mr. Floyd that he believed that the Ruling
6 was in fact an order, that the properties were under his control and that he could proceed as
7 receiver in whatever manner he chose.

8 On October 19, 2011, a lawsuit was filed in the Superior Court of California, County
9 of Humboldt against Mark Adams, Andrew Adams and the California Receiver Group for
10 trespass and invasion of privacy, case number DR110803. The named plaintiffs include
11 respondents and 5 tenants that reside at some of the subject properties.

12 Now Mr. Adams is asking the Court to have Respondents pay the attorney's fees he
13 will incur in this matter. This is inappropriate as Mr. Adams was not the receiver at the time
14 he wrongfully entered the properties and claimed they were under his control. The Court
15 should not approve any payment of attorney fees incurred in defending the trespass case filed
16 against Mr. Adams in his capacity as an individual and not as a receiver in this matter.

17 2. The instant action and the trespass action are unrelated, and Adams should
18 not be compensated for his defense of the trespass action from the receivership
 action

19 A pending civil case is related to another pending civil case, or to a civil case that was
20 dismissed with or without prejudice, or to a civil case that was disposed of by judgment, if
21 the cases: (1) involve the same parties and are based on the same or similar claims; (2) arise
22 from the same or substantially identical transactions, incidents, or events requiring the
23 determination of the same or substantially identical questions of law or fact; (3) involve
24 claims against, title to, possession of, or damages to the same property; or (4) are likely for
25 other reasons to require substantial duplication of judicial resources if heard by different
26 judges. (Cal. Rules of Court, rule 3.300.)

1 Here, none of the requirements to constitute a related case exist, as follows:

2 a. *The parties in the receivership case are not the same as the parties in the instant*
3 *action.* The parties in the receivership action are the City of Eureka and the People of the
4 State of California (Petitioners) and Floyd Squires, Betty J. Squires, Fb Squires Family
5 Trust; Betty J's Building (Respondents). The parties in the instant case are Floyd E. Squires,
6 Betty Squires, Larry White, Judith White, Andrew Root, Deon Dekelaita, Darla Craig,
7 Edward "Eddie" Hamline (Plaintiffs) and Mark Adams, Andrew Adams, California
8 Receivership, LLC (Defendants).

9 b. *The cases do not arise from the same or substantially identical questions of law*
10 *or fact* (one is in equity (receivership) and the other involves the tort of trespass). The former
11 involves a court trial and the latter involves a jury trial—which plaintiffs would request.
12 Although intent to commit the act or acts constituting the trespass is an essential element of
13 the tort, an intention to cause damage is not. (*Meyer v. Pacific Employers Ins. Co.* (1965) 233
14 Cal.App. 2d 321.) Therefore, trespass is characterized as an intentional tort, regardless of the
15 actor's motivation. To satisfy the intent requirement of trespass, the trespasser need only
16 intend to enter the property of another or cause some other object to enter the property.
17 (*Maye v. Yappen* (1863) 23 Cal. 306.) Whereas, a receivership is merely an equitable remedy
18 that is ancillary to a pending court action involving property. (*Yore v. Superior Court of City*
19 *and County of San Francisco* (1895) 108 Cal. 431, 435; *Steinberg v. Goldstein* (1954) 129
20 Cal. App. 2d 682, 686; *Hobson v. Pacific States Mercantile Co.* (1907) 5 Cal. App. 94, 101.)

21 c. *There are no claims in the instant action involving property.* Although this case
22 does involve claims of possession of the same properties, it is solely a claim for trespass and
23 invasion of privacy and does not involve any issues of substandard condition of the property as in
24 the receivership case.

25 Trespass is an unauthorized or wrongful entry or intrusion onto land owned or
26 occupied by another that disrupts the other's right to exclusive possession of the land. (*Civic*
27 *Western Corp. v. Zila Industries, Inc.* (1977) (2nd Dist) 66 Cal App 3d 1.) Invasion of
28

1 privacy is an act against a person's constitutional right. The constitutional right to privacy
2 is protected not merely against state action; it is considered an inalienable right which may
3 not be violated by anyone. Thus the right to privacy under the state constitution creates a
4 right of action against private as well as government entities. (*Ortiz v. Los Angeles Police*
5 *Relief Ass'n* (2002) 98 Cal. App. 4th 1288, as modified (June 19, 2002) and review denied
6 (Sept. 25, 2002); *Barbee v. Household Automotive Finance Corp* (2003) 113 Cal. App. 4th
7 525.)

8 With regard to the City's action, which is equitable, City is seeking the permanent
9 appointment of a receiver over the Subject Properties as well as 20 other properties that are
10 unrelated to this matter.

11 Adams argues that the jury found that Adams did nothing wrong. This is not entirely
12 true. The jury found that with respect to both Floyd and Betty Squires Adams entered onto
13 their property without permission. However, the jury found the Squires were not damaged
14 by the unauthorized entry. The verdict forms have been attached collectively as **Exhibit B**
15 As stated above, all these actions occurred prior to the October 24, 2011 order appointing
16 Adams as a receiver and before he had filed the receiver's oath and posted bond. Therefore,
17 the trespass action defense should not be paid by the Squires.

18 **B. The Receiver Is Not Entitled To Additional Receivership Fees and Costs**

19 California Rules of Court, rule 3.1183(a) gives the court authority to review and
20 approve fees claimed by the receiver and to award either a greater or lessor amount of the
21 "full, fair and final value of the services rendered" as receiver. There is no provision for a
22 receiver to receive fees or costs incurred before the receivership is in place and the
23 receivership oath and bond are in place.

24 It appears that Adams is seeking reimbursement for costs and fees that have already
25 been sought in Adam's second receiver's report. The court already ruled on all those issues
26 back in the September 13, 2013 ruling and the subsequent order and essentially what Adams
27 is asking is for is to modify the previous order, which procedurally is improper.

1 Adams was never appointed as receiver after November 2011, therefore any
2 "receivership" fees incurred after November 2, 2011 should not be paid by Squires because
3 Adams never acted as receiver after that time. Therefore, the \$150,606.49 requested in
4 receivership fees is also improper.

5 III. CONCLUSION

6 Based on the foregoing, the Court should disregard the receiver's request for fees and
7 costs, as at no time was the receiver authorized to act in that capacity. The receiver is not
8 entitled to reimbursement for fees and costs incurred in the separate and distinct trespass
9 action. The receiver is not entitled to additional receivership costs and fees because he has
10 already sought and been awarded those fees in a previous Court Order and has never been
11 appointed as receiver again since that time.

12 Respectfully submitted,

13 Dated: September 6, 2016

FLOYD LAW FIRM

14
15 By 

16 Bradford C Floyd, Attorneys for
17 Respondents
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EXHIBIT A

FILEDSEP 13 2013 *REL*SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT*SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT*CITY OF EUREKA and THE PEOPLE
OF THE STATE OF CALIFORNIA,

CASE NO. DR110040

RULING

Plaintiffs,

vs.

FLOYD SQUIRES and BETTY
SQUIRES, et al.,

Defendants.

Presently before the Court is the Third Receiver's Report and Declaration of Mark Adams Re Interim Fees Request and Request for Lien on Real Property to Secure Payment Thereof. The Third Receiver's Report is opposed by respondents, who filed an opposition to Third Receiver's Report. The Court has considered the papers submitted in support and opposition to the Third Receiver's Report. In light of the materials submitted, the Court rules as follows:¹

¹ Petitioners are referred to herein collectively as "City," and the respondents are referred to herein collectively as "Squires."

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- 1 -

RULING

DISCUSSION

Procedural History

The procedural history in this matter relevant to the issues before the Court is as follows:

1. On January 18, 2011, City filed a complaint alleging substandard and unsafe conditions at 26 properties owned by Squires. Among other remedies, City sought 1) an emergency appointment of a receiver for the properties and a temporary restraining order, and 2) an order to show cause regarding the issuance of a preliminary injunction and the appointment of a receiver.

2. The ex parte application for emergency appointment of a receiver and issuance of a temporary restraining order was denied on February 3, 2011.

3. On February 28, 2011, a hearing on the Order to Show Cause Re: Appointment of a Receiver and Issuance of a Preliminary Injunction commenced.

4. The Court appointed Mark Adams as provisional receiver for the 26 properties identified in the complaint on March 10, 2011. Mr. Adams was directed to investigate alleged violations at the properties, and submit a report to the Court within 30 days of appointment.

5. Squires filed a notice of appeal of the order appointing Mr. Adams on March 11, 2011, and posted on an undertaking in the amount of \$50,000 on March 21, 2011. Enforcement of the order appointing the provisional receiver was stayed pending appeal.

The Court of Appeal dismissed the appeal of the March 10, 2011 order as moot on February 7, 2012.

6. The hearing on the Order to Show Cause Re: Appointment of a Receiver and

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- 2 -

RULING

1 Issuance of a Preliminary Injunction concluded on June 13, 2011. The Court issued a
2 ruling granting City's application for appointment of an interim receiver and for issuance
3 of a preliminary injunction as to six properties owned by Squires on September 27,
4 2011.

5 Counsel for City was directed to submit an order consistent with the ruling.

6 7. On October 12, 2011, Squires filed an objection to the proposed order
7 submitted by the City.

8 8. On October 19, 2011, Floyd Squires III, Betty J. Squires and additional
9 plaintiffs filed a complaint for trespass and intentional invasion of privacy against Mark
10 Adams, Andrew Adams and California Receivership Group, LLC, case number
11 DR110803. The complaint concerns alleged conduct occurring on October 5 and
12 October 6, 2011 on one or more of the six properties owned by Squires.

13 9. On October 20, 2011, a hearing was conducted on Squire's objections to the
14 proposed order submitted by the City. The Court entered an Order Appointing Receiver
15 and Granting Preliminary Injunction on October 24, 2011.

16 10. On October 25, 2011, Squires filed a Notice of Appeal of the October 24,
17 2011 order. Squires was ordered to post an undertaking pending the appeal, an
18 undertaking in the amount of \$50,000 was posted and the October 24, 2011 Order was
19 stayed pending appeal on or about November 2, 2011.

20 11. The trial on City's complaint seeking issuance of a permanent injunction,
21 declaratory relief, civil penalties and the appointment of a receiver because of alleged
22 nuisances and other substandard conditions at the 26 properties owned by Squires
23 commenced on October 9, 2012.

24 12. An Interim Ruling entered July 2, 2013. The Court found as follows:

25 a. The evidence did not support a finding that the subject properties were

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- 3 -

RULING

1 presently maintained in such a manner as to come within the provisions of Health
2 and Safety Code sections 17980.6 and 17980.7;

3 b. The evidence presented concerning the current condition of the subject
4 properties did not support a finding that any of the subject properties constituted
5 a public nuisance as defined by Civil Code sections 3479 and 3480 or Eureka
6 Municipal Code sections 150.162 or 150.163; and

7 c. The evidence supported a finding that the violations of the Applicable codes
8 and local ordinances at the subject properties constituted violations of Business
9 and Professions Code section 17200 et. seq.

10 The Court further ordered that a receiver be appointed pursuant to Business and
11 Professions Code section 17203 to 1) inspect the 26 properties in conjunction with City
12 Building Department officials and 2) report to the Court concerning the current condition
13 of the properties. City and Squires were directed to submit nominations for the receiver.

14 Analysis

15 California Rules of Court, Rule 3.1181 provides that the receiver is the agent of
16 the Court and not of any party.

17 The City filed an ex parte application for emergency appointment of a receiver
18 and issuance of a temporary restraining order on January 18, 2011. The ex parte
19 application was denied on February 3, 2011. Mr. Adams' work on the case at this stage
20 of the proceedings would appear to be at the behest of the City; he was not acting as an
21 agent of the Court.

22 The Court initially appointed Mr. Adams as its agent in this matter on March 10,
23 2011. Mr. Adams was authorized to investigate alleged violations at the 26 properties,
24 and submit a report to the Court within 30 days. Enforcement of the order appointing
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- 4 -

RULING

1 were incurred prior to Mr. Adams appointment by the Court as its agent as provisional
2 receiver on March 10, 2011. The request for fees and costs incurred prior to
3 appointment as the Court's agent should be directed to the party requesting the
4 services and requiring Mr. Adams attendance at Court hearings.

5 2. The request for fees and costs expended in defense of *Squires v. Adams*,
6 case number DR110803, is denied without prejudice.

7 Plaintiffs allege in that matter that defendants were not acting within the scope of
8 their authority as duly appointed receiver when they engaged in the conduct alleged to
9 have occurred on October 5 and October 6, 2011. Until this issue is determined, the
10 request for fees and costs is denied without prejudice.

11 3. The request for the following fees and costs is granted:

12 a. Fees and costs expended when performing duties as provisional receiver for
13 the 26 properties identified in the complaint between March 10, 2011 and March
14 21, 2011;

15 b. Fees and costs expended when performing duties as interim receiver for six
16 properties owned by Squires between October 24, 2011 and November 2, 2011;
17 and

18 c. Premiums for bond for receiver required by the Court.

19 The Receiver shall submit an order consistent with this ruling, approved as to
20 form by counsel for Squires, for signature by the Court.

21 Dated: September 13, 2013

22 DALE A. REINHOLTSEN

23 Dale A. Reinholdtsen, Judge of the Superior Court

24
25 N:\DR110040\dkr

- 6 -

RULING

STATE OF CALIFORNIA,)
COUNTY OF HUMBOLDT) SS. AFFIDAVIT OF SERVICE BY MAIL

I, Susan C. Edwards, say:

That I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is 825 5th Street, Humboldt County Courthouse, Eureka, California, 95501; that I served a true copy of the attached RULING by placing said copies in the attorney's mail delivery box in the Court Operations Office at Eureka, California on the date indicated below, or by placing said copies in envelope(s) and then placing the envelope(s) for collection and mailing on the date indicated below following our ordinary business practices. I am readily familiar with this business practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service at Eureka, California in a sealed envelope with postage prepaid. These copies were addressed to:

Dean Pucci, Jones and Mayer, 3777 N. Harbor Blvd., Fullerton, CA 92835

Krista MacNevin Jee, Jones and Mayer, 3777 N. Harbor Blvd., Fullerton, CA 92835

Bradford Floyd, Court Operations Box #102

California Receivership Group, LLC, 150 So. Barrington Ave., #100,
Los Angeles, CA 90049

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on the 16 day of September, 2013, at the City of Eureka, County of Humboldt, State of California.

KERRI L. KEENAN, Clerk of the Court

By Susan C. Edwards
Deputy Clerk

EXHIBIT B

FILED

JUL 22 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

FLOYD E. SQUIRES, III, BETTY
SQUIRES, LARRY WHITE, JUDITH
WHITE, ANDREW ROOT, DEON
DEKELAITA, DARLA CRAIG, EDWARD
"EDDIE" HAMLINE,

Plaintiffs,

v.

MARK ADAMS, ANDREW ADAMS,
CALIFORNIA RECEIVERSHIP, LLC, a
California limited liability company, and
DOES 1-50,

Defendants.

Case No. DR110803

**VERDICT FORM FOR FLOYD
SQUIRES**

We answer the questions submitted to us as follows:

VF-1800 INTRUSION INTO PRIVATE AFFAIRS

We answer the questions submitted to us as follows:

1. Did Floyd Squires have a reasonable expectation of privacy in the 6 properties?

☒ Yes
☐ No

If your answer to question 1 is yes, then answer question 2. If you answered no, do not answer any more questions about Floyd Squires' first claim and, proceed to the questions about Floyd Squires' second claim.

2. Did any defendants intentionally intrude in Floyd Squires' properties?

☐ Yes

VERDICT FORM

DR110803

1 ☒ No

2 If your answer to question 2 is yes, then answer question 3. If you answered no, do not answer any
3 more questions about Floyd Squires' first claim and, proceed to the questions about Floyd Squires'
4 second claim.

3 3. Would defendant's intrusion be highly offensive to a reasonable person?

4 ☐ Yes
5 ☐ No

6 If your answer to question 3 is yes, then answer question 4. If you answered no, do not answer any
7 more questions about Floyd Squires' first claim and, proceed to the questions about Floyd Squires'
8 second claim.

8 4. Was defendant's conduct a substantial factor in causing harm to Floyd Squires?

9 ☐ Yes
10 ☐ No

11 If your answer to question 4 is yes, then answer question 5. If you answered no, do not answer any
12 more questions about Floyd Squires' first claim and, proceed to the questions about Floyd Squires'
13 second claim.

13 5. As to each of the properties at issue in this case were all of them under the legal control
14 of defendants at the time of the alleged invasion of privacy?

14 ☐ Yes
15 ☐ No

16 If your answer to question 5 is yes, do not answer any more questions about Floyd Squires' first
17 claim, and proceed to questions about Floyd Squires' second claim.

17 6. What are Floyd Squires' damages?

18 Economic Loss: \$ _____

19 Noneconomic Loss: \$ _____

20 TOTAL \$ _____

21
22 **VF 2000-TRESPASS**

23 1. Did Floyd Squires own the properties?

24 ☒ Yes
25 ☐ No

26 If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no
27 further questions, and have the presiding juror sign and date this form.

28
VERDICT FORM

DR110803

1 2. Did any defendants intentionally enter or cause another person to enter Floyd Squires' properties?

2 ☒ Yes
3 ☐ No

4 If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

5 3. Did any defendants enter the properties without Floyd Squires' permission?

6 ☒ Yes
7 ☐ No

8 If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

9 4. Was defendant's conduct a substantial factor in causing harm to Floyd Squires?

10 ☐ Yes
11 ☒ No

12 If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

13 5. As to each of the properties at issue in this case, were all of them under the legal control of defendants at the time of the alleged trespass?

14 ☐ Yes
15 ☐ No

16 If your answer to question 5 is yes, stop here, answer no further questions, and have the presiding juror sign and date this form.

17 6. What are Floyd Squires' damages?

18 Economic Loss: \$ _____

19 Noneconomic Loss: \$ _____

20 TOTAL \$ _____

21
22
23
24 Signed:  Presiding Juror

25 Dated: 7/22/2016

26 After this verdict form has been signed, notify the bailiff that you are ready to present your
27 verdict in the courtroom.

28 VERDICT FORM

DR110803

FILED

JUL 22 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

FLOYD E. SQUIRES, III, BETTY
SQUIRES, LARRY WHITE, JUDITH
WHITE, ANDREW ROOT, DEON
DEKELAITA, DARLA CRAIG, EDWARD
"EDDIE" HAMLINE,

Plaintiffs,

v.

MARK ADAMS, ANDREW ADAMS,
CALIFORNIA RECEIVERSHIP, LLC, a
California limited liability company, and
DOES 1-50,

Defendants.

Case No. DR110803

**VERDICT FORM FOR BETTY
SQUIRES**

We answer the questions submitted to us as follows:

VF-1800 INTRUSION INTO PRIVATE AFFAIRS

We answer the questions submitted to us as follows:

1. Did Betty Squires have a reasonable expectation of privacy in the 6 properties?

☒ Yes
☐ No

If your answer to question 1 is yes, then answer question 2. If you answered no, do not answer any more questions about Betty Squires' first claim and, proceed to the questions about Betty Squires' second claim.

2. Did any defendants intentionally intrude in Betty Squires' properties?

☐ Yes

VERDICT FORM

DR110803

1 ☒ No

2 If your answer to question 2 is yes, then answer question 3. If you answered no, do not answer any
3 more questions about Betty Squires' first claim and, proceed to the questions about Betty Squires'
4 second claim.

5 3. Would defendant's intrusion be highly offensive to a reasonable person?

6 ☐ Yes
7 ☐ No

8 If your answer to question 3 is yes, then answer question 4. If you answered no, do not answer any
9 more questions about Betty Squires' first claim and, proceed to the questions about Betty Squires'
10 second claim.

11 4. Was defendant's conduct a substantial factor in causing harm to Betty Squires?

12 ☐ Yes
13 ☐ No

14 If your answer to question 4 is yes, then answer question 5. If you answered no, do not answer any
15 more questions about Betty Squires' first claim and, proceed to the questions about Betty Squires'
16 second claim.

17 5. As to each of the properties at issue in this case were all of them under the legal control
18 of defendants at the time of the alleged invasion of privacy?

19 ☐ Yes
20 ☐ No

21 If your answer to question 5 is yes, do not answer any more questions about Betty Squires' first
22 claim, and proceed to questions about Betty Squires second claim.

23 6. What are Betty Squires' damages?

24 Economic Loss: \$ _____

25 Noneconomic Loss: \$ _____

26 TOTAL \$ _____

27 VF 2000-TRESPASS

28 1. Did Betty Squires own the properties?

☒ Yes
☐ No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no
further questions, and have the presiding juror sign and date this form.

VERDICT FORM

DR110803

1 2. Did any defendants intentionally enter or cause another person to enter Betty Squires'
2 properties?

3 ☒ Yes
4 ☐ No

5 If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no
6 further questions, and have the presiding juror sign and date this form.

7 3. Did any defendants enter the properties without Betty Squires' permission?

8 ☒ Yes
9 ☐ No

10 If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no
11 further questions, and have the presiding juror sign and date this form.

12 4. Was defendant's conduct a substantial factor in causing harm to Betty Squires?

13 ☐ Yes
14 ☒ No

15 If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no
16 further questions, and have the presiding juror sign and date this form.

17 5. As to each of the properties at issue in this case, were all of them under the legal
18 control of defendants at the time of the alleged trespass?

19 ☐ Yes
20 ☐ No

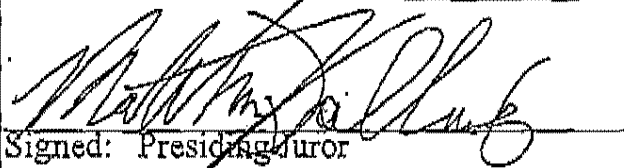
21 If your answer to question 5 is yes, stop here, answer no further questions, and have the presiding
22 juror sign and date this form.

23 6. What are Betty Squires' damages?

24 Economic Loss: \$ _____

25 Noneconomic Loss: \$ _____

26 TOTAL \$ _____

27 

28 Signed: Presiding Juror

Dated: 7/22/2016

After this verdict form has been signed, notify the bailiff that you are ready to present your
verdict in the courtroom.

VERDICT FORM

FILED

JUL 22 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

FLOYD E. SQUIRES, III, BETTY
SQUIRES, LARRY WHITE, JUDITH
WHITE, ANDREW ROOT, DEON
DEKELAITA, DARLA CRAIG, EDWARD
"EDDIE" HAMLINE,

Plaintiffs,

v.

MARK ADAMS, ANDREW ADAMS,
CALIFORNIA RECEIVERSHIP, LLC, a
California limited liability company, and
DOES 1-50,

Defendants.

Case No. DR110803

**VERDICT FORM FOR ANDREW
ROOT**

We answer the questions submitted to us as follows:

VF-1800 INTRUSION INTO PRIVATE AFFAIRS

We answer the questions submitted to us as follows:

1. Did Andrew Root have a reasonable expectation of privacy in his place of residence?

☒ Yes
☐ No

If your answer to question 1 is yes, then answer question 2. If you answered no, do not answer any more questions about Andrew Root's first claim and, and proceed to the questions about Andrew Root's second claim.

2. Did any defendants intentionally intrude in Andrew Root's place of residence?

☐ Yes
☒ No

VERDICT FORM

1 If your answer to question 2 is yes, then answer question 3. If you answered no, do not answer any
2 more questions about Andrew Root's first claim and, and proceed to the questions about Andrew
Root's second claim.

3 3. Would defendant's intrusion be highly offensive to a reasonable person?

4 ☐ Yes
5 ☐ No

6 If your answer to question 3 is yes, then answer question 4. If you answered no, do not answer any
7 more questions about Andrew Root's first claim and, and proceed to the questions about Andrew
Root's second claim.

8 4. Was defendant's conduct a substantial factor in causing harm to Andrew Root?

9 ☐ Yes
10 ☐ No

11 If your answer to question 4 is yes, then answer question 5. If you answered no, do not answer any
12 more questions about Andrew Root's first claim and, and proceed to the questions about Andrew
Root's second claim.

13 5. As to each of the properties at issue in this case were all of them under the legal control
14 of defendants at the time of the alleged invasion of privacy?

15 ☐ Yes ☐ No

16 If your answer to question 5 is yes, do not answer any more questions about Andrew Root's first
17 claim, and proceed to questions about Andrew Root's second claim.

18 6. What are Andrew Root's damages?

19 Economic Loss: \$ _____

20 Noneconomic Loss: \$ _____

21 TOTAL \$ _____

22 **VF 2000-TRESPASS**

23 We answer the questions submitted to us as follows:

24 1. Did Andrew Root lease and occupy the property?

25 ☒ Yes
26 ☐ No

27 If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no
28 further questions, and have the presiding juror sign and date this form.

VERDICT FORM

1 2. Did any defendants intentionally enter or cause another person to enter Andrew Root's
2 property? Yes

3 If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no
4 further questions, and have the presiding juror sign and date this form.

5 3. Did any defendants enter the property without Andrew Root's permission?

6 Yes 1-2-2016
7 No

8 If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no
9 further questions, and have the presiding juror sign and date this form.

10 4. Was defendant's conduct a substantial factor in causing harm to Andrew Root?

11 Yes
12 No

13 If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no
14 further questions, and have the presiding juror sign and date this form.

15 5. As to each of the properties at issue in this case, were all of them under the legal
16 control of defendants at the time of the alleged trespass?

17 Yes No

18 If your answer to question 5 is yes, stop here, answer no further questions, and have the presiding
19 juror sign and date this form.

20 6. What are Andrew Root's damages?

21 Economic Loss: \$ _____

22 Noneconomic Loss: \$ _____

23 TOTAL \$ _____

24 [Signature]
25 Signed: Presiding Juror

26 Dated: 7/22/2016

27 After this verdict form has been signed, notify the bailiff that you are ready to present your
28 verdict in the courtroom.

VERDICT FORM

FILED

JUL 22 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

FLOYD E. SQUIRES, III, BETTY
SQUIRES, LARRY WHITE, JUDITH
WHITE, ANDREW ROOT, DEON
DEKELAITA, DARLA CRAIG, EDWARD
"EDDIE" HAMLINE,

Case No. DR110803

**VERDICT FORM FOR DARLA
CRAIG**

Plaintiffs,

v.

MARK ADAMS, ANDREW ADAMS,
CALIFORNIA RECEIVERSHIP, LLC, a
California limited liability company, and
DOES 1-50,

Defendants.

We answer the questions submitted to us as follows:

VF-1800 INTRUSION INTO PRIVATE AFFAIRS

We answer the questions submitted to us as follows:

1. Did Darla Craig have a reasonable expectation of privacy in her place of residence?

☒ Yes
☐ No

If your answer to question 1 is yes, then answer question 2. If you answered no, do not answer any more questions about Darla Craig's first claim and, and proceed to the questions about Darla Craig's second claim.

2. Did any defendants intentionally intrude in Darla Craig's place of residence?

☐ Yes
☒ No

VERDICT FORM

1 If your answer to question 2 is yes, then answer question 3. If you answered no, do not answer any
2 more questions about Darla Craig's first claim and, and proceed to the questions about Darla Craig's
second claim.

3 3. Would defendant's intrusion be highly offensive to a reasonable person?

4 ☐ Yes
5 ☐ No

6 If your answer to question 3 is yes, then answer question 4. If you answered no, do not answer any
7 more questions about Darla Craig's first claim and, and proceed to the questions about Darla Craig's
second claim.

8 4. Was defendant's conduct a substantial factor in causing harm to Darla Craig?

9 ☐ Yes
10 ☐ No

11 If your answer to question 4 is yes, then answer question 5. If you answered no, do not answer any
12 more questions about Darla Craig's first claim and, and proceed to the questions about Darla Craig's
second claim.

13 5. As to each of the properties at issue in this case, were all of them under the legal
14 control of defendants at the time of the alleged trespass?

15 ☐ Yes
16 ☐ No

17 If your answer to question 5 is yes, do not answer any more questions about Darla Craig's
18 first claim, and proceed to questions about Darla Craig's second claim.

19 6. What are Darla Craig's damages?

20 Economic Loss: \$ _____

21 Noneconomic Loss: \$ _____

22 TOTAL \$ _____

23 VF 2000-TRESPASS

24 We answer the questions submitted to us as follows:

25 1. Did Darla Craig lease and occupy the property?

26 ☒ Yes
27 ☐ No

28 If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no
further questions, and have the presiding juror sign and date this form.

VERDICT FORM

1 2. Did any defendants intentionally enter or cause another person to enter Darla Criag's
2 property?

3 Yes
4 ✓ No

5 If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no
6 further questions, and have the presiding juror sign and date this form.

7 3. Did any defendants enter the property without Darla Craig's permission?

8 Yes
9 ✓ No

10 If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no
11 further questions, and have the presiding juror sign and date this form.

12 4. Was defendant's conduct a substantial factor in causing harm to Darla Craig?

13 Yes
14 ✓ No

15 If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no
16 further questions, and have the presiding juror sign and date this form.

17 5. As to each of the properties at issue in this case, were all of them under the legal
18 control of defendants at the time of the alleged trespass?

19 Yes
20 ✓ No

21 If your answer to question 5 is yes, stop here, answer no further questions, and have the presiding
22 juror sign and date this form.

23 6. What are Darla Craig's damages?

24 Economic Loss: \$ _____

25 Noneconomic Loss: \$ _____

26 TOTAL \$ _____

27 Matthew Dellinger
28 Signed: Presiding Juror

Dated: 7/22/2016

After this verdict form has been signed, notify the bailiff that you are ready to present your
verdict in the courtroom.

VERDICT FORM

FILED

JUL 22 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

FLOYD E. SQUIRES, III, BETTY
SQUIRES, LARRY WHITE, JUDITH
WHITE, ANDREW ROOT, DEON
DEKELAITA, DARLA CRAIG, EDWARD
"EDDIE" HAMLINE,

Case No. DR110803

**VERDICT FORM FOR EDWARD
HAMLINE**

Plaintiffs,

v.

MARK ADAMS, ANDREW ADAMS,
CALIFORNIA RECEIVERSHIP, LLC, a
California limited liability company, and
DOES 1-50,

Defendants.

We answer the questions submitted to us as follows:

VF-1800 INTRUSION INTO PRIVATE AFFAIRS

We answer the questions submitted to us as follows:

1. Did Edward Hamline have a reasonable expectation of privacy in his place of residence
and the surrounding area?

Yes

☒ No

If your answer to question 1 is yes, then answer question 2. If you answered no, do not answer any
more questions about Edward Hamline's first claim and, proceed to the questions about Edward
Hamline's second claim.

VERDICT FORM

2. Did any defendants intentionally intrude in Edward Hamline's place of residence or the surrounding area?

☐ Yes
☐ No

If your answer to question 2 is yes, then answer question 3. If you answered no, do not answer any more questions about Edward Hamline's first claim and, proceed to the questions about Edward Hamline's second claim.

3. Would defendant's intrusion be highly offensive to a reasonable person?

☐ Yes
☐ No

If your answer to question 3 is yes, then answer question 4. If you answered no, do not answer any more questions about Edward Hamline's first claim and, proceed to the questions about Edward Hamline's second claim.

4. Was defendant's conduct a substantial factor in causing harm to Edward Hamline?

☐ Yes
☐ No

If your answer to question 4 is yes, then answer question 5. If you answered no, do not answer any more questions about Edward Hamline's first claim and, proceed to the questions about Edward Hamline's second claim.

5. As to each of the properties at issue in this case were all of them under the legal control of defendants at the time of the alleged invasion of privacy?

☐ Yes
☐ No

If your answer to question 5 is yes, do not answer any more questions about Edward Hamline's first claim, and proceed to questions about Edward Hamline's second claim.

6. What are Edward Hamline's damages?

Economic Loss: \$ _____

Noneconomic Loss: \$ _____

TOTAL \$ _____

VF 2000-TRESPASS

1. Did Edward Hamline lease and occupy the property?

☒ Yes
☐ No

1 If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no
 2 further questions, and have the presiding juror sign and date this form.

3 2. Did any defendants intentionally enter or cause another person to enter Edward Hamline's
 4 property? No

5 If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no
 6 further questions, and have the presiding juror sign and date this form.

7 3. Did any defendants enter the property without Edward Hamline's permission?

8 Yes

9 No

10 If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no
 11 further questions, and have the presiding juror sign and date this form.

12 4. Was defendant's conduct a substantial factor in causing harm to Edward Hamline?

13 Yes

14 No

15 If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no
 16 further questions, and have the presiding juror sign and date this form.

17 5. As to each of the properties at issue in this case, were all of them under the legal
 18 control of defendants at the time of the alleged trespass?

19 Yes No

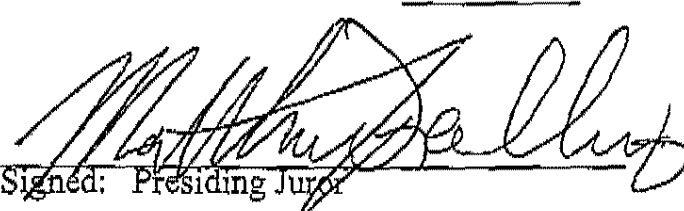
20 If your answer to question 5 is yes, stop here, answer no further questions, and have the presiding
 21 juror sign and date this form.

22 6. What are Edward Hamline's damages?

23 Economic Loss: \$ _____

24 Noneconomic Loss: \$ _____

25 TOTAL \$ _____

26 
 27 Signed: Presiding Juror

28 Dated: 7/22/2016

After this verdict form has been signed, notify the bailiff that you are ready to present your
 verdict in the courtroom.

POS-040

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: Bradford C Floyd SBN 136459 FIRM NAME: FLOYD LAW FIRM STREET ADDRESS: 819 7th Street CITY: Eureka, CA 95501 STATE: ZIP CODE: TELEPHONE NO.: (707) 445-9754 FAX NO.: (707) 445-5915 E-MAIL ADDRESS: bcfloyd@floydlawfirm.net ATTORNEY FOR (name): Respondents		FOR COURT USE ONLY CASE NUMBER: DR110040 JUDICIAL OFFICER: DEPARTMENT:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT STREET ADDRESS: 825 Fifth Street MAILING ADDRESS: CITY AND ZIP CODE: Eureka, CA 95501 BRANCH NAME:		
Plaintiff/Petitioner: City of Eureka, et al. Defendant/Respondent: FLOYD E. SQUIRES, et al.		
PROOF OF SERVICE-CIVIL Check method of service (only one): <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax		

Do not use this form to show service of a summons and complaint or for electronic service.

See USE OF THIS FORM on page 3.

- At the time of service I was over 18 years of age and not a party to this action.
- My residence or business address is:
**819 Seventh Street
Eureka CA 95501**
- ☒ The fax number from which I served the documents is (complete if service was by fax):
707-445-5915
- On (date): **September 6, 2016** I served the following documents (specify):
RESPONDENTS' OPPOSITION TO PRIOR RECEIVER MARK ADAMS' MOTION FOR INTERIM FEE ORDER

☐ The documents are listed in the *Attachment to Proof of Service-Civil (Documents Served)* (form POS-040(D)).

- I served the documents on the person or persons below, as follows:
 - Name of person served: **Mark S. Adams, Esq.**
 - ☒ (Complete if service was by personal service, mail, overnight delivery, or messenger service.)
Business or residential address where person was served:
**2716 Ocean Park Blvd., Suite 3010
Santa Monica, CA 90405**
 - ☒ (Complete if service was by fax.)
(1) Fax number where person was served:
310-471-8180

(2) Time of service:
☐ The names, addresses, and other applicable information about persons served is on the *Attachment to Proof of Service-Civil (Persons Served)* (form POS-040(P)).
- The documents were served by the following means (specify):
 - ☐ By personal service. I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

Page 1 of 3

POS-040

CASE NAME City of Eureka v. Squires	CASE NUMBER: DR110040
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6. b. ☒ By United States mail. I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (specify one):
- (1) ☐ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (2) ☒ placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (city and state): **Eureka, California**
- c. ☐ By overnight delivery. I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. ☐ By messenger service. I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.)
- e. ☒ By fax transmission. Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: September 6, 2016

Gina M. Emery

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

DECLARATION OF MESSENGER

- ☐ By personal service. I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (date):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)